

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

2211 UNITED STATES COURTHOUSE

75 SPRING STREET, SW

ATLANTA, GEORGIA 30303-3361

JAMES N. HATTEN
CLERK OF COURT

DOCKETING SECTION
404-215-1655

August 26, 2009

United States Court of Appeals
11th Circuit
56 Forsyth Street, NW
Atlanta, Georgia 30303

USDC Civil Action No. 1:07-cv-2764-RWS

USCA No. 09-13707-G

Re: *John Doe v. Wooten, et al*

CERTIFICATE OF READINESS OF RECORD ON APPEAL

Pursuant to Fed.R.App.P. 11(c), the Clerk of the District Court for the Northern District of Georgia hereby certifies that, as shown on the enclosed index, the record is complete for the purposes of this appeal. The record (including the transcript or parts thereof designated for inclusion and all necessary exhibits) consists of:

7 Volume(s) of pleadings
 Volume(s) of depositions
1 Volume(s) of transcripts
 Volume(s) of exhibits
 Other:

Sincerely,

James N. Hatten
Clerk of Court

By: */s/ Elaine N. McFarland*
Deputy Clerk

Enclosures

0months, APPEAL, CLOSED, PROTO

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:07-cv-02764-RWS
Internal Use Only

Doe v. Wooten et al
Assigned to: Judge Richard W. Story
Case in other court: USCA, 09-13707-G
Cause: 28:1331 Federal Prisoner Civil Rights

Date Filed: 11/07/2007
Date Terminated: 06/25/2009
Jury Demand: None
Nature of Suit: 540 Mandamus & Other
Jurisdiction: Federal Question

Petitioner**John Doe**

represented by **David Lewis Balser**
McKenna Long & Aldridge-GA
303 Peachtree Street, N.E.
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Philip J. Fornaci

Washington Lawyers' Committee for the Blind

ATTEST: A TRUE COPY
CERTIFIED THIS

James M. Hatten, Clerk
By: 
08/26/2009 9:36 AM

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V.

Respondent

Officer Wooten
in his individual capacity

represented by **Robert David Powell**
Office of United States Attorney
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75 Spring Street, S.W.
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Atlanta , GA 30303
404-581-6004
Email: R.David.Powell@usdoj.gov
ATTORNEY TO BE NOTICED

Respondent

Warden R. Wiley
in his individual and official capacities
TERMINATED: 09/29/2008

represented by **Robert David Powell**
(See above for address)

Respondent

Rick Stover
in his individual and official capacities
TERMINATED: 03/30/2009

represented by **Robert David Powell**
(See above for address)

Respondent

**Federal Bureau of Prisons Director
Harley Lappin**
in his official capacity

represented by **Robert David Powell**
(See above for address)
ATTORNEY TO BE NOTICED

TERMINATED: 03/30/2009

Date Filed	#	Docket Text
11/07/2007 <i>Beg Vol 1.1</i>	<u>1</u>	COMPLAINT for Mandamus Relief (Filing fee \$ 350.00 receipt number 571122), filed by John Doe. (Attachments: # <u>1</u> Summons Issued, # <u>2</u> Civil Cover Sheet)(ryc) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 11/08/2007)
11/07/2007	<u>2</u>	MOTION for Preliminary Injunction with Brief In Support by John Doe. (Attachments: # <u>1</u> Memorandum of Law In Support of Motion, # <u>2</u> Declaration of Deborah M. Golden, # <u>3</u> Exhibit 1 to Declaration, # <u>4</u> Exhibit 2 to Declaration, # <u>5</u> Exhibit 3 to Declaration, # <u>6</u> Exhibit 4 to Declaration, # <u>7</u> Exhibit 5 to Declaration, # <u>8</u> Exhibit 6 to Declaration, # <u>9</u> Exhibit 7 to Declaration, # <u>10</u> Exhibit 8 to Declaration, # <u>11</u> Exhibit 9 to Declaration, # <u>12</u> Exhibit 10 to Declaration)(ryc) (Entered: 11/08/2007)
11/07/2007	<u>3</u>	MOTION for Leave to File Excess Pages with Brief In Support by John Doe. (Attachments: # <u>1</u> Memorandum of Law In Support of Motion) (ryc) (Entered: 11/08/2007)
11/07/2007	<u>4</u>	MOTION for Protective Order and MOTION to Litigate Anonymously with Brief In Support by John Doe. (Attachments: # <u>1</u> Memorandum In Support of Motion) (ryc) (Entered: 11/08/2007)
11/08/2007	<u>5</u>	ORDER OF RECUSAL. Judge Julie E. Carnes recused. Case reassigned to Judge Richard W. Story for all further proceedings. Signed by Judge Julie E. Carnes on 11/8/07. (ryc) (Entered: 11/09/2007)
11/09/2007	<u>6</u>	NOTICE of Case Reassignment pursuant to <u>5</u> Order of Recusal (ryc) (Entered: 11/09/2007)
11/15/2007	<u>7</u>	VACATED PURSUANT TO ORDER FILED 5/30/2008 ORDER GRANTING <u>4</u> Motion for Protective Order and Leave to Litigate Anonymously. Signed by Judge Richard W. Story on 11/15/2007. (sjk) Modified on 6/2/2008 (sjk). (Entered: 11/16/2007)
11/15/2007	<u>8</u>	ORDER GRANTING <u>3</u> Motion for Leave to File Excess Pages. Signed by Judge Richard W. Story on 11/15/2007. (sjk) (Entered: 11/16/2007)
11/28/2007	<u>12</u>	Submission of <u>2</u> MOTION for Preliminary Injunction to District Judge Richard W. Story. (sjk) (Entered: 11/28/2007)
12/03/2007	<u>9</u>	Return of Service Executed by John Doe. Officer Wooten served on 11/13/2007, answer due 12/3/2007. (Balser, David) (Entered: 12/03/2007)
12/03/2007	<u>10</u>	Return of Service Executed by John Doe. Federal Bureau of Prisons Director Harley Lappin served on 11/13/2007, answer due 12/3/2007.













		(Balser, David) (Entered: 12/03/2007)
12/03/2007	<u>11</u>	NOTICE Of Filing Returns of Service on USA by John Doe (Balser, David) (Entered: 12/03/2007)
12/18/2007	<u>12</u>	APPLICATION for Admission of Mari Kristine Bonthuis Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001459274)by John Doe. (Attachments: # <u>1</u> Proposed Order)(Balser, David) (Entered: 12/18/2007)
12/18/2007	<u>13</u>	APPLICATION for Admission of Jeffrey Lerner Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001459328)by John Doe. (Attachments: # <u>1</u> Proposed Order)(Balser, David) (Entered: 12/18/2007)
12/18/2007	<u>14</u>	APPLICATION for Admission of Thomas L. Cubbage III Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001459332)by John Doe. (Attachments: # <u>1</u> Proposed Order)(Balser, David) (Entered: 12/18/2007)
12/18/2007	<u>15</u>	APPLICATION for Admission of Philip J. Fornaci Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001459336)by John Doe. (Attachments: # <u>1</u> Proposed Order)(Balser, David) (Entered: 12/18/2007)
12/19/2007		APPROVAL by Clerks Office re: <u>13</u> APPLICATION for Admission of Jeffrey Lerner Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001459328). Attorney Jeffrey Lerner for John Doe added. (pb) (Entered: 12/19/2007)
12/19/2007		APPROVAL by Clerks Office re: <u>15</u> APPLICATION for Admission of Philip J. Fornaci Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001459336), <u>14</u> APPLICATION for Admission of Thomas L. Cubbage III Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001459332). Attorney Thomas L. Cubbage, III for John Doe, Philip J. Fornaci for John Doe added. (pb) (Entered: 12/19/2007)
12/19/2007		APPROVAL by Clerks Office re: <u>12</u> APPLICATION for Admission of Mari Kristine Bonthuis Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001459274). Attorney Mari Kristine Bonthuis for John Doe added. (pb) (Entered: 12/19/2007)
12/24/2007	<u>16</u>	ORDER GRANTING <u>13</u> Application for Admission Pro Hac Vice of Jeffrey Lerner. Signed by Judge Richard W. Story on 12/24/2007. (sjk) (Entered: 12/26/2007)
12/24/2007	<u>17</u>	ORDER GRANTING <u>15</u> Application for Admission Pro Hac Vice of Philip Fornaci. Signed by Judge Richard W. Story on 12/24/2007. (sjk) (Entered: 12/26/2007)
12/24/2007	<u>18</u>	ORDER GRANTING <u>14</u> Application for Admission Pro Hac Vice of Thomas L. Cubbage III. Signed by Judge Richard W. Story on

		12/24/2007. (sjk) (Entered: 12/26/2007)
12/24/2007	<u>19</u>	ORDER GRANTING <u>12</u> Application for Admission Pro Hac Vice of Mari K. Bonthuis. Signed by Judge Richard W. Story on 12/24/2007. (sjk) (Entered: 12/26/2007)
01/03/2008	<u>20</u>	Return of Service Executed by John Doe. Rick Stover served on 12/8/2007, answer due 12/28/2007. (Balser, David) (Entered: 01/03/2008)
01/07/2008	<u>21</u>	MOTION for More Definite Statement, MOTION For Screening Under 28 U.S.C. § 1915A <u>1</u> Complaint for Mandamus Relief, with Brief In Support by Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Powell, Robert) Modified on 1/8/2008 (sjk). (Entered: 01/07/2008)
01/08/2008	<u>22</u>	NOTICE of Appearance by Robert David Powell on behalf of Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin (Powell, Robert) (Entered: 01/08/2008)
01/10/2008	<u>23</u>	MOTION for Extension of Time for Individual Capacity Defendants Wooten and Stover to Respond to Complaint re: <u>1</u> Complaint for Mandamus Relief, Pursuant to USAM § 4-5.412.C.2 with Brief In Support by Officer Wooten, Rick Stover. (Attachments: # <u>1</u> Brief)(Powell, Robert) Modified on 1/11/2008 to correct double wording in docket text (sjk). Modified on 1/22/2008 (sjk). (Entered: 01/10/2008)
01/17/2008	<u>27</u>	ORDER GRANTING <u>23</u> Motion for Extension of Time to Answer. Signed by Judge Richard W. Story on 1/17/2008. (sjk) (Entered: 01/22/2008)
01/18/2008	<u>24</u>	MOTION for Relief re: <u>7</u> MOTION for Extension of Time Conduct Early Planning Conference, File a Joint Preliminary Report and Discovery Plan, File Mandatory Disclosures, and Respond re: <u>2</u> MOTION for Preliminary Injunction with Brief In Support by Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit Defs. Ex. 1)(Powell, Robert) Modified on 1/31/2008 to clean up text (sjk). (Entered: 01/18/2008)
01/18/2008	<u>25</u>	RESPONSE in Opposition re <u>21</u> MOTION for More Definite Statement MOTION For Screening Under 28 U.S.C. § 1915A <u>1</u> Complaint for Mandamus Relief, MOTION For Screening Under 28 U.S.C. § 1915A <u>1</u> Complaint for Mandamus Relief, filed by John Doe. (Attachments: # <u>1</u> Exhibit Exhibits 1-2 to Opposition)(Lerner, Jeffrey) (Entered: 01/18/2008)
01/18/2008	<u>26</u>	RESPONSE in Opposition re <u>23</u> MOTION for Extension of Time for Individual Capacity Defendants Wooten and Stover to Respond to Complaint re: <u>1</u> Complaint for Mandamus Relief, Filed on Behalf of Defendants Wooten and Stover Pursuant to USAM § 4-5.412.C.2 filed by John Doe. (Attachments: # <u>1</u> Exhibit 1-2)(Lerner, Jeffrey) Modified on 1/22/2008 (sjk). (Entered: 01/18/2008)

01/30/2008	<u>28</u>	RESPONSE in Opposition re <u>24</u> MOTION for Relief re: <u>7</u> MOTION for Extension of Time to Conduct Early Planning Conference, File a Joint Preliminary Report and Discovery Plan, File Mandatory Disclosures, and Respond re: <u>2</u> MOTION for Preliminary Injunction filed by John Doe. (Balser, David) Modified on 1/31/2008 to clean up text (sjk). (Entered: 01/30/2008)
02/06/2008		Submission of <u>21</u> MOTION for More Definite Statement MOTION For Screening Under 28 U.S.C. § 1915A <u>1</u> Complaint for Mandamus Relief to District Judge Richard W. Story. (sjk) (Entered: 02/06/2008)
02/06/2008 Beg Vol. 2	<u>29</u>	REPLY BRIEF re <u>21</u> MOTION for More Definite Statement MOTION For Screening Under 28 U.S.C. § 1915A <u>1</u> Complaint for Mandamus Relief, MOTION For Screening Under 28 U.S.C. § 1915A <u>1</u> Complaint for Mandamus Relief, filed by Official Capacity Defendants filed by Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Powell, Robert) Modified on 2/7/2008 to correct text to more accurately reflect e-filed document (sjk). (Entered: 02/06/2008)
02/22/2008		Submission of <u>24</u> MOTION for Relief re: <u>7</u> Order, MOTION for Extension of Time to Conduct Early Planning Conference, File a Joint Preliminary Report and Discovery Plan, File Mandatory Disclosures, and Respond re: <u>2</u> MOTION for Preliminary Injunction to District Judge Richard W. Story. (sjk) (Entered: 02/22/2008)
03/07/2008	<u>30</u>	MOTION for More Definite Statement, MOTION For a Frivolity Review <u>1</u> Complaint for Mandamus Relief, with Brief In Support by Officer Wooten, Rick Stover. (Powell, Robert) Modified on 3/10/2008 to correct double wording in docket text (sjk). (Entered: 03/07/2008)
03/07/2008	<u>31</u>	MOTION for Extension of Time (a) to conduct early planning conference, (b) to file joint preliminary report and discovery plan, and (c) to file mandatory disclosures, MOTION for Relief re <u>7</u> Order with Brief In Support by Officer Wooten, Rick Stover. (Powell, Robert) Modified on 3/10/2008 to correct double wording in docket text and to create link to order (sjk). (Entered: 03/07/2008)
03/26/2008		Submission of <u>31</u> MOTION for Extension of Time (a) to conduct early planning conference, (b) to file joint preliminary report and discovery plan, and (c) to file mandatory disclosures MOTION for Relief re <u>7</u> Order MOTION for Extension of Time (a) to conduct early planning conference, (b) to file joint preliminary report and discovery plan, and (c) to file mandatory disclosures MOTION for Relief re <u>7</u> Order, <u>30</u> MOTION for More Definite Statement MOTION For a Frivolity Review re <u>1</u> Complaint for Mandamus Relief to District Judge Richard W. Story. (sjk) (Entered: 03/26/2008)
03/26/2008	<u>32</u>	RESPONSE in Opposition re <u>30</u> MOTION for More Definite Statement MOTION For a Frivolity Review re <u>1</u> Complaint for Mandamus Relief, filed by John Doe. (Attachments: # <u>1</u> Exhibit A)(Balser, David) (Entered: 03/26/2008)

END Vol. 1

03/26/2008	<u>33</u>	RESPONSE in Opposition re <u>31</u> MOTION for Extension of Time (a) to conduct early planning conference, (b) to file joint preliminary report and discovery plan, and (c) to file mandatory disclosures MOTION for Relief re <u>7</u> Order MOTION for Extension of Time (a) to conduct early planning conference, (b) to file joint preliminary report and discovery plan, and (c) to file mandatory disclosures MOTION for Relief re <u>7</u> Order filed by John Doe. (Attachments: # <u>1</u> Exhibit A)(Balser, David) (Entered: 03/26/2008)
05/07/2008	<u>34</u>	MOTION to Amend <i>Protective Order</i> with Brief In Support by John Doe. (Attachments: # <u>1</u> Brief In Support of Motion to Amend Protective Order, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit c, # <u>5</u> exhibit d, # <u>6</u> exhibit e, # <u>7</u> Proposed Order)(Balser, David) (Entered: 05/07/2008)
05/28/2008	<u>35</u>	RESPONSE re <u>34</u> MOTION to Amend <i>Protective Order</i> filed by Officer Wooten, Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Powell, Robert) (Entered: 05/28/2008)
05/29/2008	<u>36</u>	MOTION to Dismiss <i>Claims against Defendant Wiley</i> , MOTION for Extension of Time to Raise Additional Rule 12 Defenses, MOTION for More Definite Statement with Brief In Support by Warden R. Wiley. (Attachments: # <u>1</u> Exhibit)(Powell, Robert) (Entered: 05/29/2008)
05/30/2008	<u>37</u>	ORDER RESERVING RULING on <u>2</u> Motion for Preliminary Injunction, GRANTING <u>34</u> Motion to Amend, and GRANTING in part and DENYING in part <u>21</u> Motion for a More Definite Statement and for a Frivolity Review, <u>24</u> Motion for an Extension of Time and Motion for Relief from Protective Order, <u>30</u> Motion for More Definite Statement and Motion for a Frivolity Review, and <u>31</u> Motion for Extension of Time and Motion for Relief from Protective Order. Signed by Judge Richard W. Story on 5/30/2008. (sjk) (Entered: 06/02/2008)
05/30/2008	<u>38</u>	Amended CONFIDENTIALITY ORDER. Signed by Judge Richard W. Story on 5/30/2008. (sjk) (Entered: 06/02/2008)
06/12/2008	<u>39</u>	STIPULATION of Dismissal by John Doe, Warden R. Wiley. (Balser, David) Modified on 6/13/2008 to correct double wording in docket text and to add filer (sjk). (Entered: 06/12/2008)
06/13/2008	<u>40</u>	ORDER APPROVING <u>39</u> Stipulation of Dismissal of the claims brought against Defendant Wiley in his individual capacity. Signed by Judge Richard W. Story on 6/13/2008. (sjk) (Entered: 06/16/2008)
06/18/2008	<u>41</u>	ANSWER to Complaint for Mandamus Relief by Officer Wooten.(Powell, Robert) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 6/19/2008 to correct double wording in docket text (sjk). (Entered: 06/18/2008)
06/18/2008	<u>42</u>	ANSWER to Complaint for Mandamus Relief by Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin.(Powell,

		Robert) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 6/19/2008 to correct double wording in docket text (sjk). (Entered: 06/18/2008)
07/18/2008	 <u>43</u>	PRELIMINARY REPORT AND DISCOVERY PLAN filed by John Doe, Federal Bureau of Prisons Director Harley Lappin, Rick Stover, Warden R. Wiley, Officer Wooten. (Lerner, Jeffrey) Modified on 7/21/2008 to add filers (sjk). (Entered: 07/18/2008)
07/18/2008	 <u>44</u>	Initial Disclosures by John Doe.(Lerner, Jeffrey) (Entered: 07/18/2008)
07/21/2008	 <u>45</u>	Initial Disclosures by Officer Wooten, Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin.(Powell, Robert) (Entered: 07/21/2008)
07/21/2008	 <u>46</u>	ORDER APPROVING <u>43</u> Preliminary Report and Discovery Plan filed by Rick Stover, John Doe, Warden R. Wiley, Federal Bureau of Prisons Director Harley Lappin, Officer Wooten. Signed by Judge Richard W. Story on 7/21/2008. (sjk) (Entered: 07/22/2008)
07/24/2008	 <u>47</u>	NOTICE of Hearing on Motion re: <u>2</u> MOTION for Preliminary Injunction. Motion Hearing set for 8/5/2008 02:30 PM in Courtroom 2105 before Judge Richard W. Story. (rag) (Entered: 07/24/2008)
07/25/2008	 <u>48</u>	CERTIFICATE OF SERVICE for <i>Plaintiff's First Set of Requests for Production</i> by John Doe.(Lerner, Jeffrey) (Entered: 07/25/2008)
07/30/2008	 <u>49</u>	Submission of <u>36</u> MOTION to Dismiss <i>Claims against Defendant Wiley</i> MOTION for Extension of Time to Raise Additional Rule 12 Defenses MOTION for More Definite Statement to District Judge Richard W. Story. (sjk) (Entered: 07/30/2008)
08/06/2008	 <u>49</u>	NOTICE of Hearing on Motion re: <u>2</u> MOTION for Preliminary Injunction Motion Hearing set for 8/19/2008 03:30 PM in Courtroom 2105 before Judge Richard W. Story. (rag) (Entered: 08/06/2008)
08/07/2008	 <u>50</u>	Notification of Docket Correction re <u>50</u> Certificate of Service. This document has been turned off from public viewing, as counsel has e-filed discovery in violation of Rule 5.4. (sjk) (Entered: 08/07/2008)
08/11/2008	 <u>51</u>	CERTIFICATE OF SERVICE filed by Officer Wooten, Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin <i>Def's 1st Requests to Pla for Production of Documents, served on 8/6/2008</i> (Powell, Robert) (Entered: 08/11/2008)
08/13/2008	 <u>52</u>	NOTICE of Change of Hearing on Motion re: <u>2</u> MOTION for Preliminary Injunction Motion Hearing set for 8/25/2008 09:30 AM in Courtroom 2105 before Judge Richard W. Story. (rag) (Entered: 08/13/2008)
08/19/2008	 <u>53</u>	TRIAL BRIEF <i>Plaintiff's Preliminary Injunction Hearing Brief</i> by John Doe. (Attachments: # <u>1</u> Attachment 1 to Plaintiff's Hearing Brief, # <u>2</u> Attachment 2 to Plaintiff's Hearing Brief, # <u>3</u> Attachment 3 to Plaintiff's

		Hearing Brief, # 4 Attachment 4 to Plaintiff's Hearing Brief, # 5 Attachment 5 to Plaintiff's Hearing Brief, # 6 Attachment 6 to Plaintiff's Hearing Brief)(Lerner, Jeffrey) (Entered: 08/19/2008)
08/21/2008 Beg Vol 1.3	<u>54</u>	MOTION to Dismiss <i>Individual Capacity Claims</i> (), MOTION for Summary Judgment on <i>Individual Capacity Claims</i> () with Brief In Support by Rick Stover. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Brief, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6)(Powell, Robert) --Please refer to http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.-- (Entered: 08/21/2008)
08/22/2008	<u>55</u>	MOTION for Leave to File Excess Pages with Brief In Support by Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Powell, Robert) (Entered: 08/22/2008)
08/22/2008 Beg Vol 1.4	<u>56</u>	MOTION to Dismiss <i>claims against official capacity defendants</i> (), MOTION for Summary Judgment on <i>claims against official capacity defendants</i> () with Brief In Support by Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Attachments: # <u>1</u> Brief, # <u>2</u> Statement of Material Facts, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Appendix # 1)(Powell, Robert) --Please refer to http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.-- (Entered: 08/22/2008)
08/25/2008	<u>59</u>	Minute Entry for proceedings held before Judge Richard W. Story: Motion Hearing held on 8/25/2008 re <u>2</u> MOTION for Preliminary Injunction filed by John Doe. <u>2</u> Motion for Preliminary Injunction TAKEN UNDER ADVISEMENT. (Court Reporter Sharon Upchurch.)(sjk) (Entered: 08/28/2008)
08/26/2008	<u>57</u>	ORDER GRANTING <u>55</u> Motion for Leave to File Excess Pages. Signed by Judge Richard W. Story on 8/25/2008. (sjk) (Entered: 08/28/2008)
08/28/2008	<u>58</u>	CERTIFICATE OF SERVICE of Responses to Plaintiff John Doe's First Set of Requests for Production by Officer Wooten, Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin.(Powell, Robert) (Entered: 08/28/2008)
09/02/2008	<u>60</u>	NOTICE by John Doe Letter Brief Relating to Preliminary Injunction Hearing on August 25, 2008 (Balser, David) (Entered: 09/02/2008)
09/08/2008 Vol. 8	<u>61</u>	TRANSCRIPT of Proceedings held on August 25, 2008, before Judge Richard W. Story. Court Reporter/Transcriber Sharon D. Upchurch, Telephone number (404) 215-1354. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript

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		Restriction. After that date it may be obtained through PACER. Redaction Request due 9/29/2008. Redacted Transcript Deadline set for 10/9/2008. Release of Transcript Restriction set for 12/8/2008. (Attachments: # <u>1</u> Notice of Filing Transcript) (fem) (Additional attachment(s) added on 9/12/2008: # <u>2</u> Verification of Financial Arrangements) (fem). (Entered: 09/08/2008)
09/08/2008 <i>Reg Vol 5</i>	<u>62</u>	CERTIFICATE OF SERVICE to <i>Defendants' First Set of Requests for Production of Documents</i> by John Doe.(Lerner, Jeffrey) (Entered: 09/08/2008)
09/11/2008	<u>63</u>	CERTIFICATE OF SERVICE for <i>Plaintiff's Second Set of Requests for Production of Documents</i> by John Doe.(Lerner, Jeffrey) (Entered: 09/11/2008)
09/11/2008	<u>64</u>	CERTIFICATE OF SERVICE for <i>Plaintiff's First Set of Interrogatories</i> by John Doe.(Lerner, Jeffrey) (Entered: 09/11/2008)
09/11/2008	<u>65</u>	RESPONSE re <u>60</u> Notice (Other) (<i>Opposing issues raised in (56) Defendant's Motion to Dismiss, Or Alternatively, for Summary Judgment</i>) filed by Officer Wooten, Warden R. Wiley, Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Powell, Robert) (Entered: 09/11/2008)
09/15/2008	<u>66</u>	RESPONSE in Opposition re <u>56</u> MOTION to Dismiss <i>claims against official capacity defendants</i> MOTION for Summary Judgment <i>on claims against official capacity defendants</i> filed by John Doe. (Attachments: # <u>1</u> Response to Statement of Undisputed Facts)(Lerner, Jeffrey) (Entered: 09/15/2008)
09/15/2008	<u>67</u>	RESPONSE in Opposition re <u>54</u> MOTION to Dismiss <i>Individual Capacity Claims</i> MOTION for Summary Judgment <i>on Individual Capacity Claims</i> filed by John Doe. (Attachments: # <u>1</u> Response to Statement of Undisputed Facts)(Lerner, Jeffrey) (Entered: 09/15/2008)
09/15/2008	<u>68</u>	MOTION for Leave to File Excess Pages for <i>its Opposition to Official Capacity Defendants' Motion to Dismiss or, Alternatively, for Summary Judgment</i> with Brief In Support by John Doe. (Lerner, Jeffrey) (Entered: 09/15/2008)
09/15/2008	<u>69</u>	MOTION for Extension of Time under Rule 56(f) to Respond to Defendants' Motions for Summary Judgment re: <u>67</u> Response in Opposition to Motion, <u>66</u> Response in Opposition to Motion, with Brief In Support by John Doe. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Rule 56(f) Declaration of Jeffrey Lerner, # <u>3</u> Exhibits to Rule 56(f) Declaration)(Lerner, Jeffrey) (Entered: 09/15/2008)
09/16/2008	<u>70</u>	ORDER GRANTING <u>68</u> Motion for Leave to File Excess Pages. Signed by Judge Richard W. Story on 9/16/2008. (sjk) (Entered: 09/17/2008)
09/22/2008	<u>71</u>	ORDER re <u>69</u> MOTION for Extension of Time under Rule 56(f) to Respond to Defendants' Motions for Summary Judgment re: <u>67</u>

		Response in Opposition to Motion, <u>66</u> Response in Opposition to Motion, MOTION for Extension of Time under Rule 56(f) to Respond to Defendants' Motions for Summary Judgment re: <u>67</u> Response in Opposition to Motion, <u>66</u> Response in Opposition to Motion, filed by John Doe. Signed by Judge Richard W. Story on 9/22/2008. (sjk) (Entered: 09/22/2008)
09/29/2008	<u>72</u>	VACATED PER <u>107</u> ORDER ORDER GRANTING <u>36</u> Motion to Dismiss and terminating Warden R. Wiley; DENYING as moot <u>36</u> Motion for Extension of Time; and DENYING as moot <u>36</u> Motion for More Definite Statement. Signed by Judge Richard W. Story on 9/29/2008. (sjk) Modified on 8/20/2009 (gar). (Entered: 09/29/2008)
09/29/2008	<u>72</u>	ORDER DENYING <u>2</u> Motion for Preliminary Injunction (see <u>72</u> Order). Signed by Judge Richard W. Story on 9/29/2008. (sjk) (Entered: 10/01/2008)
10/02/2008	<u>73</u>	RESPONSE in Opposition re <u>69</u> MOTION for Extension of Time under Rule 56(f) to Respond to Defendants' Motions for Summary Judgment re: <u>67</u> Response in Opposition to Motion, <u>66</u> Response in Opposition to Motion, filed by Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Powell, Robert) Modified on 10/3/2008 (sjk). (Entered: 10/02/2008)
10/06/2008	<u>74</u>	Notice for Leave of Absence for the following date(s): October 10, 2008, November 4, 2008, November 10, 2008, November 24-28, 2008, December 22, 2008 - January 2, 2009, by Robert David Powell. (Powell, Robert) (Entered: 10/06/2008)
10/14/2008	<u>75</u>	CERTIFICATE OF SERVICE of Individual Capacity Defendant Wooten's Responses to Plaintiff John Doe's Second Set of Requests for Production by Officer Wooten.(Powell, Robert) (Entered: 10/14/2008)
10/14/2008	<u>76</u>	CERTIFICATE OF SERVICE of Individual Capacity Defendant Stover's Responses to Plaintiff John Doe's Second Set of Requests for Production by Rick Stover.(Powell, Robert) (Entered: 10/14/2008)
10/14/2008	<u>77</u>	CERTIFICATE OF SERVICE of Official Capacity Defendants Responses to Plaintiff John Doe's Second Set of Requests for Production by Rick Stover, Federal Bureau of Prisons Director Harley Lappin.(Powell, Robert) (Entered: 10/14/2008)
10/14/2008	<u>78</u>	CERTIFICATE OF SERVICE of Individual capacity Defendants' Responses to Plaintiff John Doe's First set of Interrogatories by Officer Wooten, Rick Stover.(Powell, Robert) (Entered: 10/14/2008)
10/14/2008	<u>79</u>	CERTIFICATE OF SERVICE of Official Capacity Defendants' Resonses to Plaintiff John Doe's First Set of Interrogatories by Rick Stover, Federal Bureau of Prisons Director Harley Lappin.(Powell, Robert) (Entered: 10/14/2008)

10/15/2008	<u>80</u>	CERTIFICATE OF SERVICE re <u>77</u> Certificate of Service (<i>Amending Certificate</i>) by Rick Stover, Federal Bureau of Prisons Director Harley Lappin. Related document: <u>77</u> Certificate of Service filed by Rick Stover, Federal Bureau of Prisons Director Harley Lappin.(Powell, Robert) (Entered: 10/15/2008)
10/15/2008	<u>81</u>	CERTIFICATE OF SERVICE re <u>79</u> Certificate of Service (<i>Amending Certificate of Service of Official Capacity Defendants' Responses to Plaintiff John Doe's First Set of Interrogatories</i>) by Rick Stover, Federal Bureau of Prisons Director Harley Lappin. Related document: <u>79</u> Certificate of Service filed by Rick Stover, Federal Bureau of Prisons Director Harley Lappin.(Powell, Robert) (Entered: 10/15/2008)
10/15/2008	<u>82</u>	CERTIFICATE OF SERVICE re <u>78</u> Certificate of Service (<i>Amending Certificate of Service of Individual Capacity Defendants' Responses to Plaintiff John Doe's First Set of Interrogatories</i>) by Officer Wooten, Rick Stover. Related document: <u>78</u> Certificate of Service filed by Rick Stover, Officer Wooten.(Powell, Robert) (Entered: 10/15/2008)
10/15/2008		Submission of <u>69</u> MOTION for Extension of Time under Rule 56(f) to Respond to Defendants' Motions for Summary Judgment re: <u>67</u> Response in Opposition to Motion, <u>66</u> Response in Opposition to Motion to District Judge Richard W. Story. (sjk) (Entered: 10/15/2008)
10/21/2008	<u>83</u>	REPLY BRIEF re <u>69</u> MOTION for Extension of Time under Rule 56(f) to Respond to Defendants' Motions for Summary Judgment re: <u>67</u> Response in Opposition to Motion, <u>66</u> Response in Opposition to Motion, filed by John Doe. (Balser, David) Modified on 10/21/2008 to correct text to accurately depict e-filed document (sjk). (Entered: 10/21/2008)
11/05/2008	<u>84</u>	Consent MOTION for Protective Order with Brief In Support by Officer Wooten, Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Attachments: # <u>1</u> Text of Proposed Order)(Powell, Robert) (Entered: 11/05/2008)
11/06/2008	<u>85</u>	ORDER GRANTING <u>84</u> Motion for Protective Order. Signed by Judge Richard W. Story on 11/6/2008. (sjk) (Entered: 11/06/2008)
12/19/2008	<u>86</u>	CERTIFICATE OF SERVICE of <i>Official Capacity Defendants' Responses to Plaintiff John Doe's First Set of Interrogatories</i> by Officer Wooten, Federal Bureau of Prisons Director Harley Lappin.(Powell, Robert) (Entered: 12/19/2008)
01/16/2009	<u>87</u>	ORDER granting Plaintiff's <u>69</u> Rule 56(f) Motion for Extension of Time to Respond to Defendants' Motions for Summary Judgment. Defendants' <u>54</u> , <u>56</u> Motions to Dismiss or, Alternatively, for Summary Judgment are DENIED in part with the right to refile. The Defendants' <u>54</u> Motion to Dismiss or, Alternatively, for Summary Judgment filed by Individual Capacity Defendant Stover is DENIED in part as to the issue Defendant Stover's subjective knowledge (Section III.B). Defendants' <u>56</u> Motion to

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		Dismiss or, Alternatively, for Summary Judgment is DENIED in part as to the issue of Official Capacity Defendants' alleged deliberate indifference (Section III.F). The Court RESERVES RULING on the issue of Defendant Stover's motion to dismiss for lack of personal jurisdiction until the completion of the schedule set by the Court above. (Dkt. No. <u>54</u> at 7-14.) Defendants shall have ten (10) days from this Order's issue date in which to file a Reply as to the issues identified above from the <u>54</u> , <u>56</u> Motions to Dismiss or, Alternatively, for Summary Judgment. Signed by Judge Richard W. Story on 1/16/09. (dfb) (Entered: 01/16/2009)
02/02/2009	<u>88</u>	REPLY BRIEF re <u>54</u> MOTION to Dismiss <i>Individual Capacity Claims</i> MOTION for Summary Judgment <i>on Individual Capacity Claims</i> filed by Rick Stover. (Powell, Robert) (Entered: 02/02/2009)
02/02/2009	<u>89</u>	REPLY BRIEF re <u>56</u> MOTION to Dismiss <i>claims against official capacity defendants</i> MOTION for Summary Judgment <i>on claims against official capacity defendants</i> filed by Rick Stover, Federal Bureau of Prisons Director Harley Lappin. (Powell, Robert) (Entered: 02/02/2009)
02/03/2009		Submission of <u>54</u> MOTION to Dismiss <i>Individual Capacity Claims</i> MOTION for Summary Judgment <i>on Individual Capacity Claims</i> , <u>56</u> MOTION to Dismiss <i>claims against official capacity defendants</i> MOTION for Summary Judgment <i>on claims against official capacity defendants</i> , submitted to District Judge Richard W. Story. (ekb) (Entered: 02/03/2009)
02/12/2009	<u>90</u>	MOTION to Compel Jurisdictional Discovery, Including a Deposition of Defendant Wooten with Brief In Support by John Doe. (Attachments: # <u>1</u> Memorandum of Law in Support of Emergency Motion To Compel Jurisdictional Discovery, # <u>2</u> Exhibits in Support of Emergency Motion To Compel, # <u>3</u> Affidavit Affidavit of Mari Bonthuis)(Lerner, Jeffrey) (Entered: 02/12/2009)
02/17/2009	<u>91</u>	MOTION for Protective Order Regarding Deposition of Mr. Stover with Brief In Support by Rick Stover. (Powell, Robert) Modified on 2/17/2009 to correct event type (ekb). (Entered: 02/17/2009)
02/17/2009	<u>92</u>	RESPONSE in Opposition re <u>90</u> MOTION to Compel Jurisdictional Discovery, Including a Deposition of Defendant Wooten filed by Rick Stover. (Powell, Robert) (Entered: 02/17/2009)
02/17/2009	<u>93</u>	CERTIFICATE OF SERVICE by Rick Stover.(Powell, Robert) Modified on 2/17/2009 to remove all capitalization used in text (ekb). (Entered: 02/17/2009)
02/18/2009	<u>94</u>	ORDER granting <u>90</u> Motion to Compel Jurisdictional Discovery, Including a Deposition of Defendant Wooten; granting <u>91</u> Motion for Protective Order Regarding Deposition of Mr. Stover. The parties are ordered to comply with the discovery set by the Court in the Order. Signed by Judge Richard W. Story on 2/18/09. (ekb) (Entered: 02/18/2009)

		02/18/2009)
03/09/2009	<u>95</u>	CERTIFICATE OF SERVICE filed by Officer Wooten, Rick Stover, Federal Bureau of Prisons Director Harley Lappin (Powell, Robert) (Entered: 03/09/2009) END Vol 6
03/11/2009 <i>Reg Vol 7</i>	<u>96</u>	Supplemental RESPONSE in Opposition re <u>54</u> MOTION to Dismiss <i>Individual Capacity Claims</i> MOTION for Summary Judgment on <i>Individual Capacity Claims</i> filed by John Doe. (Attachments: # <u>1</u> Exhibits in Support of Plaintiff's Supplemental Opposition, # <u>2</u> Certificate of Service)(Lerner, Jeffrey) Modified on 3/12/2009 to correct docket text (ekb). (Entered: 03/11/2009)
03/27/2009	<u>97</u>	REPLY to Response to Motion re <u>54</u> MOTION to Dismiss <i>Individual Capacity Claims</i> MOTION for Summary Judgment on <i>Individual Capacity Claims</i> filed by Rick Stover. (Powell, Robert) (Entered: 03/27/2009)
03/30/2009	<u>98</u>	ORDER granting Defendant Stover's <u>54</u> Motion for Summary Judgment as to Individual Capacity; granting Defendants' <u>56</u> Motion for Summary Judgment as to Official Capacity Defendants. The Court directs the Clerk to enter judgment in favor of Defendants Rick Stover and Harley Lappin and against Plaintiff in this action. Signed by Judge Richard W. Story on 3/30/09. (ekb) (Entered: 03/31/2009)
03/30/2009	<u>99</u>	CLERK'S JUDGMENT entered in favor of Defendants Rick Stover and Harley Lappin against Plaintiff. (ekb)--Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist-- Modified on 3/31/2009 (ekb). Modified on 3/31/2009 (ekb). (Entered: 03/31/2009)
03/30/2009		EVENT FILED IN ERROR Civil Case Terminated. (ekb) Modified on 3/31/2009 (ekb). (Entered: 03/31/2009)
03/31/2009		Notification of Docket Correction re Terminated Case. Case terminated in error. (ekb) (Entered: 03/31/2009)
06/02/2009	<u>100</u>	Stipulated MOTION to Dismiss by John Doe. (Balser, David) Modified on 6/3/2009 to correct docket text (ekb). (Entered: 06/02/2009)
06/23/2009		Submission of <u>100</u> Stipulated MOTION to Dismiss, submitted to District Judge Richard W. Story. (ekb) (Entered: 06/23/2009)
06/25/2009	<u>101</u>	VACATED PER <u>107</u> ORDER ORDER granting the parties' <u>100</u> Stipulated Motion to Dismiss. All claims against Defendant Wooten are DISMISSED. As there are no additional pending claims, the Clerk is directed to close th case. Signed by Judge Richard W. Story on 6/22/09. (ekb) Modified on 8/20/2009 (gar). (Entered: 06/26/2009)
06/25/2009		Civil Case Terminated. (ekb) (Entered: 06/26/2009)
07/15/2009	<u>102</u>	NOTICE OF APPEAL as to <u>99</u> Clerk's Judgment, <u>98</u> order. Filing fee \$ 455, receipt number GAN100014365. Transcript Order Form due on

		7/29/2009 (fem) Modified on 7/17/2009 (fem). (Entered: 07/17/2009)
07/17/2009	<u>103</u>	Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re <u>102</u> Notice of Appeal (fem) (Entered: 07/17/2009)
07/17/2009	<u>104</u>	NOTICE OF REQUIREMENT TO FILE ELECTRONICALLY pursuant to Standing Order 04-01 as to David Lewis Balser re <u>102</u> Notice of Appeal. (fem) (Entered: 07/17/2009)
07/28/2009	<u>105</u>	USCA Acknowledgment of <u>102</u> Notice of Appeal filed by John Doe. Case Appealed to USCA Case Number 09-13707-G. (fem) (Entered: 07/29/2009)
08/18/2009	<u>106</u>	NOTICE by Officer Wooten of <i>filing Response to Plaintiff's Letter Motion to Amend Final Order and Enter Judgment</i> (Attachments: # <u>1</u> attachment)(Powell, Robert) (Entered: 08/18/2009)
08/20/2009	<u>107</u>	ORDER vacating the Court's June 25 <u>101</u> Order granting the parties' Stipulated Motion to Dismiss. The Court's September 29, 2008, <u>72</u> Order is also VACATED, with regard to the Motion to Dismiss. It is further ORDERED that the <u>100</u> Stipulated Motion to Dismiss is hereby GRANTED, and all claims against Defendant Wooten are DISMISSED, WITH PREJUDICE. Also, Defendant Wiley's <u>36</u> Motion to Dismiss is GRANTED, and all claims against Defendant Wiley are DISMISSED, WITH PREJUDICE. The Clerk shall enter judgment in favor of Defendants Wooten and Wiley. The Clerk shall also forward a copy of this Order to the Court of Appeals to supplement the record of this case in the pending appeal. Signed by Judge Richard W. Story on 8/20/2009. (gar) (Entered: 08/20/2009)
08/20/2009	<u>108</u>	CLERK'S JUDGMENT entered dismissing all claims with prejudice against Defendants Wooten and Wiley. (gar)--Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist-- (Entered: 08/20/2009)
08/24/2009	<u>109</u>	Document <u>107</u> forwarded to USCA re <u>102</u> Notice of Appeal filed by John Doe. Case Appealed to USCA Case Number 09-13707-G. (fem) (Entered: 08/24/2009)

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